



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty Legal Office

6 JUL 2000

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

John P. White
COOPER & DUNHAM
1185 Avenue of the Americas
New York, New York 10036

In re Application of :
GREENWALD :
Application No.: 09/043,944 :
PCT No.: PCT/US96/15727 :
Int. Filing Date: 27 September 1996 :
Priority Date: 27 September 1995 :
Attorney Docket No.: 48231-A-PCT-US :
For: IDENTIFICATION OF SEL-12 AND :
USES THEREOF :
: DECISION ON :
: RENEWED PETITION :
: TO WITHDRAW HOLDING :
: OF ABANDONMENT :
: :
: :

This is a decision on applicants' "RENEWED PETITION UNDER 37 CFR 1.181" filed in the United States Patent and Trademark Office on 25 February 2000, in response to a decision mailed 12 January 2000.

DISCUSSION

With regards to applicants' request that the holding of abandonment be withdrawn, a proper showing in order to establish that papers were not received as set forth in the Official Gazette at 1156 OG 53 must include the following: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement). The 12 January 2000 decision indicated that applicant has satisfied requirements (1) and (2) above.

As to Item (3), applicants have provided "a copy of the printout of the docket record for 01 June 1998, which identifies by attorney docket record, all applications for which a response was due on said date. The docket record for 01 June 1998 . . . shows that no response was due for the subject application, which has been assigned docket number 48231-A-PCT-US." Therefore, since applicant has satisfied Items (1), (2), and (3) above, the request may be properly granted.

CONCLUSION

For the reasons above, the request is **GRANTED**. The holding of Abandonment is withdrawn.

This application is being returned to the DO/EO/US for processing in accordance with this decision, that is, for issuance of a new Notification of Missing Requirements (Form PCT/DO/EO/905), to inform applicant that an oath or declaration of the inventors in compliance with 37 CFR 1.497 along with a \$130.00 surcharge for the filing of an oath or declaration later than thirty months must be submitted in order to avoid abandonment of the application.



Richard Cole
PCT Legal Examiner
PCT Legal Office



Anthony Smith
PCT Petitions Attorney
PCT Legal Office
Telephone 703-308-6314
Fax: 703-308-6459